

The opinion in support of the decision being entered today was not
written for publication and is not binding precedent of the Board

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

MAY 11 2005

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DANIEL VIERA CONRAD,
JOHN C. FLUKE AND
JEFFREY L. HARMON

Application 09/207,130

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

The electronic file of this application was received at the Board of Patent Appeals and Interferences (BPAI) on February 8, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner for the matters requiring attention as follows.

The examiner's answer filed on August 16, 2004 fails to include the heading "References of Record" to list those references used in the rejection on appeal which is a requirement of the Manual of Patent Examining Procedure (MPEP) § 1208 (8th Ed., Rev. 2, May 2004).

Accordingly, it is

ORDERED that the application is returned to the examiner to:

- 1) submit a new examiner's answer to include all the proper headings indicating the cited prior art; 2) to notify applicants of such; and 3) for any further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



Dale M. Shaw
Program and Resource Administrator
571-272-9797

DMS/cam

Sawyer Law Group LLP
P. O. Box 51418
Palo Alto, CA 94303